IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 1063 OF 2005
IN
SECOND APPEAL NO. 775 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Mr. Anilkumar Patil for the applicants.

Mr. N.V. Bandiwadekar for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 15TH JULY, 2005

P.C.:

1. Heard both sides. Perused the record.

2. The application is for vacating the stay on the ground that pending the appeal the appellant has issued a notice to the respondents in respect of the property which is not the subject matter of the suit or dispute. The learned counsel for the applicants submits that, by virtue of the said notice the relationship between the parties that of real brothers is admitted and, therefore, there is no dispute which would be remained to be served in respect of the partition. However, that would be the part of the argument at the time of

final hearing. Be that as it may, the fact remains that the plea of vacating stay is not legal, proper and, therefore, is dismissed without any order of costs.

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CORAM: P.V. KAKADE, J.

DATED: 15TH JULY, 2005

P.C.:

1. Heard both sides. Perused the record.

2. This is an application to bring the legal heirs of deceased respondent No.1 on record. The office note shows that the legal heirs are already on record. Hence, the application is made absolute in terms of prayer clauses (a), (b) and (c) and stands disposed of.

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